

# MANDATE

**UNITED STATES COURT OF APPEALS  
for the  
SECOND CIRCUIT**

**1 : 21-mc-92  
Trial Judge: Shira A. Scheindlin**

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 20th day of October, two thousand and ten,

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DATE FILED: **JAN. 24, 2011**

Forrest England, Alexander Makaron, Flagler Drive Corp., Ellis Enterprises, Ltd., Martin Gubernick, Anita S. Budich, Oba McMillan, Philip Pifko, Robert Tuttle, Scott Wattenbarger, Michael Chase, Evelyn Long, Linda Kava, Mark W. Herson, Jon A. Halseth, William A. Curtright, Steve Mazzo, Vladimir Shumaster, Amita Singhal, Abraham S. Kassin, Richard Hirsch, Glenn Luksik, Claude Amsellem, Jordan Lifshitz, SDR Investors, LP, Mordechai Pollock, Blime Feldhiem, Saul A. Kassin, Patricia Baldwin, Adele Brody, Michael Hutchins, Barbara Eisenman, Leaseway, Inc., Zvi Weinreb, Charles Bland, Thomas McMackin, CMC Michael Egan, Michael Green, Suresh Khanna, Stanley Klein, Gwen Jordan, David J. Steinberg, Chaile B. Steinberg, Francine Ceasar, Gregory Rigby, Gene Dolzhansky, Laurence Bonilla, Idarto Tanumihardjo, Sherry Tanumihardjo, Burton Levine, Michelle Levine, Richard Ray Trujillo, Pamela Kay Trujillo, Lothar Trumpp, Rajesh Patel, James P. Larkin, Carol Larkin, Jodi Bernstein, Michael McKay, Paul Felzen, as Trustee of the Louise Laskin 1991 Revocable Trust u/t/d October 24, 1991, and on behalf of himself and all others similarly situated, Leonard Handler, Bruce Allen, Heidi Hertz, Robert Berkowitz, Christopher Williamson, Bert Zauderer, Richard Baker, Ann R. Champion, Larry Barnes, Dewey Yesner, Vernon Easleyp, Abraham Garfinkel, Harry Greenbaum, Ivan Doner, Eugene Lefkowitz, Denis Fazioli, Jonatha Adenuga, Mario Alexis Joseph, George Soulintzis, Orest Balaban, G. Raymond Doucet, Buddy Dukeman, Eileen Dukeman, Anupkumar Bhasin, Joel Hochhauser, Shah Temory, The

**ORDER**

Docket Number: 10-3316

**MANDATE ISSUED ON 01/21/2011**

Steinberg Family Partnership, Dore Feder, Henry Mayer,  
 Albert Benjamin Lewis, J and V Charitable Remainder  
 Trust, Avi Mandel, Janet Schacherer, Joseph Schacherer,  
 Morris Kassin, Pond Equities, Thomas Karakunnel,  
 Roger Steward, Dean E. Hart, Phillip Walsky, Colbert  
 Birnet, L.P., Linda A. Sanders, Ron Volpe, Robert Minai,  
 Raymond Litwin, Darnell T. Peterson, Roderick Lau,  
 Michael G. Ryan, PRFT Partners, Manuel G. Fernandez,  
 Binh O. Nguyen, James D. Weeks, Rutherford Dawson,  
 Ellis Investments, Ltd., Dash Limited, Wallace Petsch,  
 Chavy Weisz, Larry Blisko, Brian M. Felgoise, Clifford  
 Young, David E. Bellville, Daniel Kucera, Irving S.  
 Braun, Judith Braun, Barry Plotkin, Valerie Kofsky,  
 Joseph Wilder, Collegeware USA, Inc., Tammy L.  
 Pelissier, Steven Skoll, Paul M. Hoffman, Tova  
 Schwartz, Lou Ann Murphy, David W. Ross, Jonathan  
 Ames, William Denson, Rachel Schwartz, Demetrios  
 Petratos, Michael Parkerp, David Osher, Murowa  
 Financial, Anthony Voto, Jason Williams, Buenos Aires  
 Ser., Phyllis Hochstein, Haichal Esther, William Coates,  
 Fairland Management, Batya Grubin, Jeffrey Mosczyk,  
 Marcia Last, Paula Gulich, Audrey Bernstein, Luis  
 Perelman, Shane Popovich, Deming Zhous, Susan Katz,  
 Myron Ruderman, Steven Kollander, N. Jerry Palumberi,  
 Jeffrey Levitin, S. Perry Penland, as Trustee of the  
 Penland & Penland Profit Sharing Trust U/A 12/10/70,  
 Dorothy M. Stariha, Raymond Lance Huffman, Mark  
 Sculnick, Boris Kalandar, William Daniels, Don K.  
 Burris, Daniel L. Soper, Aman Kermaninejad, Mahin S.  
 /Moshayekh, Todd Simon, Mary Hoffman, Yvonne Y.  
 Chan, David Hertz, Don Kirby, Rosemarie Stumpf,  
 Phillip Stone, Warren Stein, Kenneth Shives, Glenn Kerr,  
 Robert Grovich, Hans Reihl, Heinz Wahl, Bruce J. Jiorle,  
 Estelle L. Augustine, Joe Braswell, Richard L. Anderson,  
 Irwin M. Chase Trust, Susan Mansfield, Seymour  
 Mansfield, individually and as Trustee for Albert and  
 Anne Masfield Grandchildren's Trust for Alexis  
 Mansfield, Nirmal Saha, Michael L. Ball, J. Louis  
 Binder, Michael Erickson, Eric Cooper, Robert L. Carlin,  
 Patrick Willoughby, Jr., David Grosinger, Jag  
 Enterprises, LLC, Howard M. Lasker, David Dramn,  
 Leroy Demuth, Leon J. Roomberg, Carolyn Hill, Charles  
 Eads, Simon Katz, Moises Chocron, Ben Nguyen, Chaim  
 H. Selevan, Malka Rubin, CJA Acquisition Inc., Thomas  
 Fields, Yehuda Toiv, Aaron Brody, Peyman  
 Abdollahzadeh, Danielle Katz, Bais Kahana, Ben

Werczberger, Eli Bensinger, Harriet Goldstein, Linda Jones, Terry Jones, Ezra Charitable Trust, Radiant Advisers, LLC, Israel Spitzer, Stuart Werman, Lynn McFarlane, Bnos Rochel, Aliza Brody, Michael Silverman, Bennett Storfer, Wayne E. Taillon, Bernice Mermelstein, Moses Mayer, Russ Bissonnette, Harry Binder Profit Sharing Trust, Michelle Weiss, Scott R. Cameron, George W. Cameron, Jack Farshi, Farideh Sigari, Oren Giskan, Matthew Weiner, Stephen M. Greenberg, Barry Feldman, Katherine Piven, Ronald Harris, Linda Penhale, Tom Hernandez, Sam Regam, Philip Warner, David Federico, Xin Zhi Lin, Daniel S. Niedrich, John Mammen, Jesse Mendez, Philip Gluckman, Karin Wacaser, Troy Brooks, Carlos Reeberg, Steve Gordon, Jerry Tillem, James Wolfe, Susan Williams, Jerry Cobb, Lisa Stoshak, Shapour Yavari, Eliyohv Levovitz, Zory Shmidoff, Mary Beth Hamil, Celestia Bourke, Joe Goldgrab, David Arnatt, Don R. Powell, Terrance F. Lanter, Sr., Andrew Albstein, Lillian Bloom, Steven Rothbart, Helen Korsinsky, Joseph A. Derringer, Steven Hovdesven, Richard Lane, Joel Abrams, Eric S. Norris, The Estate of Rebecca Solomon, Sudir Mehta, Edward Cassady, Patron Transmissions, Barry Gang, Andrea Yarnoff, Arnold Melamed, Leon Woody, Joseph J. Carrigan, Victor Wesley, Jr., Joseph F. Martin, Ira B. Kovel, James E. Traylor, Jr., John Rick Heidel, Zichron Yakov Menachem Inc., William Branch, Albert Brody, Anna Proshak, Ronney Cooper, Larry Ackerman, Rahman J. Moghaddam, Mark Katz, Robert D. Shelly, Thomas McMakin, Khaled Barakat, Chris Greaves, Mark Marino, Marcia Davis, Harris McCully Associates, Inc., George Weinroth, Dominick Capuano, Victoria Goldner, Louis Carola, Arthur Kauffman, Gardner Gilsey, Joseph Chielli, Dominic Cottrill, Donald Wallace, John Moscati, Joel Mandel, Frances Rosenberg, Goldplate Inventment Partners Ltd., Bernd Toennesmann, Market Street Securites, Charles Scholes, Jamie L. Franzen, Beth Paquin, Joel Richmon, David Stoddard, Murray Price, Michael Atlas, Bruce J. Kraemer, Koshy Koshy, Han Chae, Ari Fishoff, Jimmy Chin, Dennis Olsen, Sarah Weiss, Glenn Tortoso, Raisa Gertsberg, Rudolph Skubella, Robert Russo, Ellen Martin, Melissa Pludo, Patricia A. Gammino, Isak Karasik, Eddison Andrews, Robin Kwalbrun, Lyle Paquette, Congregation Mitzva Meals Inc., Warren Foster, Frances Foster, Larry Walls, Moshe Deutsche,

David Cheng, Steven Kuritzky, Moses Breuer, Abraham Eisen, Philip De Limur, Thomas N. Salerno, Jacob Kaiser, Miriam Nadler, Gary Dubin, Russell Corser, Sarah Harman, Shlomo Roshgadot, Hing S. Chan, Vicki Briamonte Price, Sally Tonningsen, Bette R. Grayson, individually and as Trustee of The Trust Under the Will of Florence Rosenman, Curt Turner, Gerald Walters, Saul Halpert, Han Lew, Iris Hsu, Joseph LaDuke, Chris Madison, CBZ, Inc., Chang Qing Cao, Dov Slater, Barry Lemberg, Rita Butler Anderson, Jeffrey E. Fagel, Christopher James Anderson, Peter Rosenblum, Kenneth Dillon, Tzvi M. Follman, Cheryl Follman, Houser, Milton Cummings, Jason John Schwarz, 1401 Ocean Avenue LLC, Frank Zortman, Elaine Rubel, Gale H. Leach, Ezra Vance, Jack Broad, Sylvia Broad, Harvey Fleishman, Eddie Maiorino, Richard B. Husa, Victor Neel, M.D., Narinder Grewal, William Gottesman, B.J. Rone, Han B. Chae, Yitzchak Ariel, Robert Gutner, Alo Ghosh, Piyali Ganguwy, Bruce Reynolds, Harry Kolassa, David Lowinger, D.J. Bair, Edward Bunch, Edward Cohill, Xuefei Hui, Ray Doerr, Paul Zimmerman, Mary Jane Crescente, Gregory Katzman, Ellen Exelbert, Sarah Lerner, James A. Lark, Judith A. Lark, Timothy J. Presi, Mytien Ngo, Milton Pfeiffer, Richard Taylor, Helene Brody, Israel Kohn, Robert M. Thacker, Seymour Englard, Spencer Thomas, Lori Will, Gary Dowd, Kenneth W. Decker, George Masidze, David Roffe, Cynthia I. Jenkins, Seth Abrams, Michael Bergier, Kevin Peterson, Gerald S. Platts, Jeff Hoang, Salvatore Caruso, Barry Margulies, Stourbridge Investments, Ltd., Zahava Rosenfeld, Edward Clark, Gene Dozhansky, Bart Lloyd, Long Wan, Edward Smyth, Harry M. Hoffman, MBH Inc., Philip H. Cohen, Jeff Brandes, Concur Technologies Inc., Ohel Shlomo Dov, Happy-Kat Inc., Richard Rostholder, Todd Berkley, John Longman, David Weeks, Daniel Karas, Anthony Panagiota, Cho Ho Bae, Soo D. Lee, Jae Sook So, Robin Willson, Mark Willson, David E. Hess, William A. Spehr, Anthony Peri, Richard Haas, Awraham Schaechter, The Silver Family Foundation, Hindie Silver, Michael Bernstein, Israel Bollag, Howard Ginsberg, Debra Robinson, Paul Cyrek, Gadasan Negash, Joyce Dunn, George Murphy, Henry Cole, Michael Carucci, Ariel Borobio, Landsdown Promotions Inc., Goodman Espstein, Gleb Klyuzner, Abraham Neiger, Ephraim Vashovsky, Malka Kugelman, Moses Kaiser, Andrew Echman, Herbert G.

Spielman, Kenneth Barton, Su Shiying, Hardy Williams,  
 Salvatore Abbruzzino, Brenda Abbruzzino, Daniel A.  
 White, Jeanne Rich, David Dargenzio, Donald Drucker,  
 David Winters, Zitto Investments, Inc., Harold  
 Futransky, Susan Laguardia, Walter Fogel, Robert  
 Baker, George Jenkins, Gabriel Schneider, Linda M. Lee,  
 Jerry Krim, Mead Ann Krim, Robert T. Nelson, Michael  
 Rasner, Leo Castillo, Josie Castillo, Frank Bielanski,  
 Linda Berbusse, Irving Rabiner, Murray Zucker, Jacob  
 Kasson, Chaim Krauss, Shoshana Hirsch, David Powell,  
 John H. Leet, Dennis R. Holleran, Ronald Drucker,  
 Mohammed Jawed Akhtar, Wolfgang Carl Mayer,  
 Robert C. Allen, III, Joan Manzione, Moshe Lederman,  
 Honoro Shapiro, Charles Wertman, Bill Jenkins,  
 Salvatore Giordano, John Gulizia, Richard Cavallaro,  
 Sanford Alan Kassel, as Trustee for the Sanford Kassel  
 Family Trust and Custodian of Gavin Phillip Kassel until  
 age 21, Ranjit Ahuja, Donald Robertson, Michael  
 Cunnane, Satagopan Rajagoplan, Mordecai Weinstein,  
 Larry Santos, Adam Peter Stone, Wayne P. Lill, Jr.,  
 individually and as Trustee for the WP Lill Jr. Trust  
 dated 12/22/09, Vivian Bernstein, Vivian Bartula, Philip  
 Wieczorek, Niall Hynan, Jeffrey Greengrass, Judith  
 Peck, Jacqueline Bragin, Jerry Steffey, Pamela  
 Bienenstock, Dana Ross, Brenda Wright, Robert  
 Malafronte, Fred Barrett, Herbert Black, Richard Hart,  
 William Daniels, Thomas Dale, Douglas Dydo, Arthur  
 A. Danekas, Bartula Marek, David Mehalick, Andrea  
 Jones, Paul W. Roth, Robert Genco, Chanoch Kamelhar,  
 Northern Capital Holdings Inc., Rosalyn Levine, Adrian  
 Chin, The Theresa T. Fadem Trust, Bruce A. Fadem,  
 individually and as Trustee, Abraham Slomovics,  
 Sheldon Torn, Mitchell E. Bloch, Alan Shapiro, William  
 Whalen, Patrick Beckx, Sandra Bauman, Herbert  
 Silverberg, Arthur Bloom, Brian Malvan, Manawendra  
 Roy, Ryan Beveridge, Ken Stevens, Theresa M.  
 Dabkowski, Stanley J. Dabkowski, Isaac Kasson,  
 William D. Warner, Wenjie Luo, Brian R. McCullagh,  
 Howard Ree, Jorge Maercovich, Paul Rosenfeld, Kamran  
 Mashaayekh, Earl Arneson, Jozsef Lorinc, Billy L.  
 Vincent, Jr., Bradley Reich, Moshe Miller, Peter T.  
 Morris, Philip Jacob, Timothy J. Fox, Oscar E. Hannig,  
 Paul O. Leary, Joseph Baum, Joshua Teitelbaum, Ruthy  
 Parnes, Nechama Kamelhar, Raphael Grossman, Todd  
 Krouner, Joel Richman, Tamara R. Pearlman, Larry  
 Thomas, Michael R. Morris, Joseph Kayal, Michael

Atlas, Yar W. Mociuk, Daniel Burchfield, Dr., Terence C. Leeds, Steven Kohner, Mark Dresslar, Angela Thompson, Arvind Kumra, Virginia Fitzpatrick, Mary C. Bunting, Michael Urness, Floyd Benigni, Mario R. Lesser, Norman Martindale, Mary Ann Martindale, Michael S. Palmer, Thomas Jadico, Mirza F. Baig, Raisa Gertsberg, Zachary Maragoudakis, Richard A. Brafford, Glenn S. Davis, Ned P. Brafford, Dennis R. Holleran, Paterson Family Trust, Paul Magliaro, Lawrence B. Evans, Scott A. Starosta, Steven E. Smith, Antoine El-Hayek, John R. Longman, Leila M. Thompson, William M. Whitte, Leon Adams, Wayne T. Marks, Thomas R. Heidenthal, Jetta Hoffman, Judy Rubin, Michael McNeirney, Dragan Stevanovski, Wallace S. DePuy, Julian Rosenberg, Patricia Sedore, Michael A. Spero, Arthur Jansik, Craig Andrew Milroy, Steven C. Mizerovsky, Gerard P. Ruane, Jr., Kathleen A. Ruane, Thomas M. Ruane, Yun S. Ng, Marilyn Casey Ruane, Alfonso L. Tiu, Bradley D. Fay, Linda Frey Kremer, William Goggins, James H. Bevels, Shing K. Chan, Siegfried Endlichhofer, Carla Carrabino, Donald Attfield, Peifen Carroll, Paul Lightbody, Bruce Perelman, Rio Guzman, Theodore Mobley, Mark L. Goldberg, Donald K. Natale, Mariam M. Heelan, Cheryl Snyder, Ruth Lohr-Benjamin, Fred Benjamin, Eugene A. Tomei, The J. Muldoon Family Investment LP, Valerie Tomei Muldoon, as co-trustee of the Valerie Muldoon Trust, David Muldoon, as the trustee of The Muldoon Family Trust, Sam Trowe, Sarah Brown-Adams, Duncan Brown, John Muldoon, as co-trustee of the John Muldoon Trust, John Muldoon as co-trustee of The John Muldoon Ten Year Annuity Trust and JMV Muldoon Children Trust, Mark S. Adams, Alan J. Spitz, Stathis Pappas, Eva Marie Roberto, James E. Collins, Diane C. Collins, John G. Miles, J. Chris Rowe, Lisa Frye, Frederick B. Henderson, Georges Levy, Steven Hoffman, Travis Nichols, Richard Nogueira, Wayne Rutkowski, Jr., Wayne Rutkowski, Sr., Barry Hoffman, William K. Koeper, Brian Mohr, Peter Tolnai, Louis Feniger, Zhongmin Wu, Christian L. Grubb, Judith E. Grubb, James B. Hilmerson, Jim J. Hilmerson, Robert H. Hoffman, Arogyaswami Joseph Jaganathan, Van Thanh, Joseph Zhen, Ramiro Soto-Gonzalez, George Levy, William G. Meeker, Ronald Dee, Rudolf Donocik, Jerry Gisclair, II, Greenwich Technology Co., Keith Schwacha, Tim Anderson, Nelson Chang, Michael



Mather, David Ryan, Rudolph Bergfield, William Bierlin, Jr., Bruce Pfeffer, Richard Pfeffer, Roslyn Pfeffer, Scott Pfeffer, Arnaud de Vienne, Lance Huff, Stephen Ziegler, Mark Fleszenski, Eid Haddad, Robert Rischmiller, Lesilie Ogilvie, Patrick J. Boyle, Yuim Aaronson, Zheng Cao, Alhan Evrim, Pejman Sabet, Tannenbaum Leonard, Steven B. Tennenbaum, Charles M. Bower, Leonard Peddy, Samuel Berger, Sandra B. Phillips, Sidney L. Jarvis, Robert Rogers, Pnina Engleman, Steven Chan, Jackie Collins, Howard Lienert, Mauro Lusardi, John Turner, Yon H. Burton, Steven R. Dzubow, Edward Feinberg, Kirk Jones, Joon K. Ho, Christopher Carlo Rocca, Mei A. Yong, Richard Clayton, Mauro Santelli, Diane Strauss, Tracey Strauss, Wendy Scavuzzo, Joe Scavuzzo, David Ferguson, Lloyd Olson, Sayed Akbar Sadat, Jui Miao Wang, Sherri Sheridan, Brenda Kositzka, Troy Trahan, Gerald B. Baldino, Jr., Sidney Ginsberg, Sijin Lei, Burt Marland, Shi-Qiang Yang, Lawrence Frankel, A. John Price, Charles W. Binford, Ken Thomason, Desaree Arlene David, Dan Swindler, Jesse Houston, Peter K. Michl, Arsenio C. De Guzman, Martin Camaj, Darrell M. Padgett, Peter Rooney, Zagoda A.G., Spiros Gianos, Mary Jane Gianos, David W. Hook, H. Wayne Jones, Cynthia Yuen Lai Hui, Marshall Hui, Paul Satham, Allen Sumner, Dane Chin, Craig A. Euritt, Fenyong Tan, Duan Wen Tan, Tia Ying Mo, Nicholas Anderson, Bettie Anderson, Murray Waldron, Major W. Sherwin, B.W. Magid, David Langer, Duane J. Dwyer, Thomas Edwards, Lawrence W. Fagan, Sr., Ann P. Fagan, Maria Nishanian, Taniel Nishanian, James S. Ashburn, Tamarack I, L.P., Ian Murray, Steven M. Green, Dr., Kenneth M. Moeslein, Robert Ponce, Clay Demattei, Michael Kaylor, Emmett H. Zahn, Saswata Basu, Julia Eastland, Leland Galt, Sherwood Goozee, Sean Rooney, Edward E. Trotter, AFA Management Partners, L.P., Edward O'Brien, Dane Scott Nuanes, Michael A. Benevento, Benjamin Furman, John Hodgson, Ruth M. Lockard, David J. Moody, Calvin Tszeng, Thomas Chipain, Ben Berman, Karol Rose, Carl Huang, Richard Freeman, George Hrono, National Fashions, Inc., The Berton Family Trust, John Berton, The Puttaiah Gowda Trust, Robert Terry Holmes, Leo Wolanin, Arthur Levine, Anthony Carrubba, John P. Abbamondi, Congregation Shmiel Vyakov #2, Nicolas Wallaert, BMC Investments, Arthur Schonbrun, Clifford M. Sobel,

Louis Lagonik, David Mucci, Mary Mucci, Frederick Peyser, James Hosick, Jr., William Meier, Anthony Nicolais, JNV Charitable Remainder Trust, Frank Baker, Alexander Kouprievitch, David Landsberg, George Masidzg, The Becker Securities Fund, Sanjay Israni, Devin Wilson, Barry Carlman, Cary Savitz, Carla Monroe, Michael Napoli, Laila Abdelnour, Brian Middlekamp, Simon Cooper, Walter Weitz, Harold Weber Ira, Phillip Schechter, Seymour Sarkokin, Leon Goldstein, Kenneth C. Gobetz, Randall Englehart, Louis Kornman, Robert Wallace, Roy Newton, Joe L. Hamner, Joseph C. Loschiavo, Debby Hirschhorn, Robert Navario, Harry Zelnick, Rick Radliff, Ernest Gottdiener, Vicki Walsh, Patricia Stoyer, YCHL Parking Corp., Richard Laner IRA, Barbara Laner Revocable Trust, Al Cavallaro, Barbara Hajjar, Christopher Parrinello, Thomas F. Keener, John E. Bryant, John J. Primeau, Sr., Thaddeus J. Andrews, Gertrude L. Andrews, David E. Busel, Phyllis J. Busel, Ann-Margaret Anselmo, Harvey Barton, George S. Johnson, Gregory F. Wydysh, Ann Barcellona, Robert J. Hart, Jean D. Hart, Virginia P. Anderson, Seth Weizel, Frank Satty, Mikhail Azvalinsky, Brian M. Almashie, Jian Li, Rennel Trading Corp., Bill Turner, John S. Mills, Thomas A. Pilarz, John L. Labansky, Robert S. Phillips, Max Highstein, Thomas S. Lewicki, Janis Prusis, Susan Prusis, Miriam Werczberger, James P. Holman, Robert Walsh, David Bezar, David B. Best, David P. Wright, Todd Feldman, Ted Lacek, Charles D. Medaliz, Arie Slot, Erin F. Sicuranza, William Neuman, Michael Darvin, Kenneth Bender, Gene Meyers, Marat Chorny, Tom Wallat, Arthur Mendoza, Deborah Belcore, Annette Held, Kevin Dewey, Larry Huynh, Jagjit, on behalf of himself and all others similarly situated, Kideys Corporation, Marcus Oates, Philip Duggan, Alex Shainsky, Stafford Perkins, Ronald Louis Traynor, Joseph Capece, Frank Arduino, Mayer Sinensky, Jeffrey Braverman, Christopher Dougherty, Shelomoh Sameyah, Sabeiheh Sameyah, Steven J. Stranieri, Thomas S. Tacheny, on behalf of himself and all others similarly situated, Norm Nash, Scott Goldstein, Kristina Ly, Jeffrey J. Van Ryen, Scott Allen Middleton, Luciano Mor, David Heiko, Fern Lerner, Jack Kassin, K. Peter Koch, Spanish Broadcasting Systems, Inc., Bob McKee, Dana A. Risley, Buddy McKee, Joseph M. Rana, Cathey Cort, Gary Ferber, William H. Hamilton, David Paschket, Barry S.



Kantrowitz, Brian Padgett, Padgett Bligh, Jacqueline  
LaChance, Margaret Vojnovich, Brian Levy, Charles  
Deering, Edward Woodward, Jr., Anthony Felzen, Albert  
Schechter, Michael Genduso,

Plaintiff - Appellee

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Helen Thompson, Gaurang Bhatt, Dolly Bhatt, Robert J.  
Federmann, Phyllis Tafuri, Mary Stump, Allen Morrow,  
Carl S. Malone, Mary M. Malone, Ray Makiej, Milton  
Wayne Oschner, Edwin Fairchild, R.F. Miller Fairchild,  
Bruce C. Redd, Claudio Naranjo, Robert M. Mathis,  
David W. Allen, Jr., John Blast, Jeffrey G. Jezak, Stacey  
M. Jezak, Lawrence D. Leone, Adam Schwartz, Chun  
Man Wai, David Chapman, Norman C. Cherapak, John  
C. Fox, Warren Lyons, Christopher R. Rau, Christian  
McTurk, Maybell H. Garris, Timothy Eldred, Robert B.  
Rhenborg, William H. Morgan, Michael E. Stewart,  
Edward S. Tadla, Helen A. Borek, Steven K. Payne, John  
Kimdl, Donald K. Franke, Joseph Zazzaretti, Cheryl  
Zazzaretti, Larry M. Pollack,

Movant - Appellant

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A notice of appeal was filed on August 16, 2010. The filing fee of \$455.00 was due to be paid to the district court by August 30, 2010. The case is deemed in default.

Instructions for moving for *in forma pauperis* status are provided in the Court's instructions entitled "*How to Appeal a Civil Case in the United States Court of Appeals for the Second Circuit*". The manual and the forms required to file the motion were mailed to appellant at the beginning of the case. They are also available on the Court's website [www.ca2.uscourts.gov](http://www.ca2.uscourts.gov).

IT IS HEREBY ORDERED that the appeal is dismissed effective November 3, 2010 unless by that date appellant either pays the fee in full, moves for *in forma pauperis* status in district court or, if district court has denied *in forma pauperis* status, moves in this Court for *in forma pauperis* status. If appellant has filed the motion in district court and the motion is pending, appellant must so advise this Court in writing by the same date.

For The Court:

Catherine O'Hagan Wolfe, Clerk

Tammy Martinez, Deputy Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit